

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Staff

DATE: **January 15, 2002**

RE: **Analysis Report**

Balances As Of: 1/9/02 1/11/01

GSD 4% RESERVE FUND \$2,788,818 \$3,096,358

CONTINGENCY ACCOUNTS

GSD	\$35,000	\$50,000
USD	\$50,000	\$50,000

GENERAL FUND

GSD	\$66,916,627	\$46,859,389
USD	\$16,682,399	\$11,156,918

GENERAL PURPOSE

<u>SCHOOL FUND</u>	\$29,627,728	\$22,665,382
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SOLID WASTE
DISPOSAL FUND

Solid Waste Activities	\$2,293,382	\$865,517
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- RESOLUTIONS -

RESOLUTION NO. RS2001-878 (SHULMAN) - This resolution supplements and amends Resolutions No. RS2001-510 and RS2001-786 of the Metro Council and awards the sale of general obligation multi-purpose refunding bonds, series 2002A. RS2001-510, adopted on February 6, 2001, authorized the issuance of general obligation facilities bonds in an amount not to exceed \$291 million in order to refund outstanding bonds at a lower interest rate, resulting in savings to the Metro Government. RS2001-786, adopted on October 16, 2001, amended RS2000-510 by increasing the amount refunded to \$336 million so that additional maturities on other series of bonds could be refunded to result in an additional savings to Metro.

Pursuant to Resolution No. RS2001-786, \$92,245,000 in principal of general obligation multi-purpose refunding bonds (the series 2002A bonds) have been advertised for public sale and bids have been received for the series 2002A bonds. This proposed resolution makes changes to the terms of the bonds as set forth in RS2001-786 including substituting the definition of "refunded bonds" and adding a definition of "series 2001A bonds."

This resolution will be deferred, as the sale of the bonds has not yet been approved.

RESOLUTION NO. RS2002-920 (LINEWEAVER, SHULMAN, & OTHERS) - This resolution appropriates \$1,750,000 from the reserve for the council infrastructure account of the general services district (GSD) to the department of public works to fund drainage activities, street paving activities, and sidewalk construction and repairs. The 2001-2002 budget ordinance adopted by the council (Substitute Ordinance No. BL2001-707) appropriated \$2 million for the reserve fund for council infrastructure. The council infrastructure account reserve is a non-recurring expenditure.

This resolution appropriates \$1.75 million of the \$2 million reserve to a special account created by the director of finance to be used by the department of public works. These funds may not be expended until the department of public works complies with the requirements established by a committee composed of the vice mayor and the chairs of the budget and finance and public works committees of the council. Not more than \$50,000 shall be spent in any one council district.

RESOLUTION NO. RS2002-921 (TUCKER & SHULMAN) - This resolution provides longevity pay to the beneficiaries of Metro employees, including employees of the board of health, who die within the preceding fiscal year. Resolution No. RS2001-642 approved the longevity pay plan, and Section 11 of that resolution makes longevity pay available to employees who have retired or are on leave without pay. This resolution adds employees who have died as of November 30th of any given year. Longevity pay is paid yearly in December on a graduated scale to employees who have been with Metro more than five years. This resolution allows the beneficiaries to receive the payment if the deceased employee would have been eligible had he/she been alive.

RESOLUTION NO. RS2002-922 (MCCLENDON) - This resolution is an annual routine housekeeping matter required by state law that classifies all public roads in Davidson County. By adoption of the resolution, those roads and alleys listed on the street and alley acceptance and maintenance map under Ordinance No. BL2001-916, including any changes since the adoption of that map, are classified as public roads. Ordinance No. BL2001-916, which is on third and final reading, should be adopted prior to the adoption of this resolution.

RESOLUTION NO. RS2002-923 (STANLEY & MCCLENDON) - This resolution authorizes the Metropolitan Government to enter into a utility relocation contract with the state department of transportation for the Lebanon Pike and Donelson Pike intersection construction project. This resolution further authorizes the Metropolitan Government to enter into the local government investment pool agreement with the state department of treasury for this project.

The contract with the department of transportation is for the water and sewer system relocation. Metro agrees to reimburse the state for 16% of the cost of the sewer facilities and 91% of the costs of the water facilities for a total estimated cost to Metro of \$299,608.11. Ordinance No. O97-707 authorizes Metro to enter into this type of utility relocation contract by resolution. The state will advertise for and receive bids for the project. In the event the lowest responsible bid exceeds the estimated cost by more than 20%, consent of Metro will be required before the contract is executed. Metro is required to pay the above estimated cost to the state before the advertisement for bids.

Ordinance No. O85-740 authorizes Metro to enter into local government investment pool agreements, which enable Metro to earn interest on the money for state construction projects until the funds are actually used. This resolution allows Metro to deposit its pro rata share of the estimated cost of the utility relocation project with the treasury for temporary investment.

RESOLUTION NO. RS2002-924 (SHULMAN) - This resolution approves an amendment to a grant between the state department of correction and the state trial courts to implement a supervision and day reporting center. The program is to provide an alternate punishment program for non-violent offenders. The grant was approved by Ordinance No. BL2001-824 and included a provision for amendments to the grant approved by resolution of the council receiving 21 affirmative votes. This amendment increases the amount of the grant from \$2,502,879 to \$2,522,638.

RESOLUTION NO. RS2002-925 (SHULMAN) - This resolution approves a grant in an amount not to exceed \$389,000 from the state department of health to the Metropolitan Government, acting through the board of health, to provide immunization services for children and adults and for the control of vaccine-preventable diseases. The term of the grant is from January 1, 2002, to December 31, 2002, and there is no renewal provision. The grant is subject to state fund eligibility and funds will be disbursed pursuant to the grant budget. Metro is responsible for preparing and submitting an annual report to the state including audited financial statements.

RESOLUTION NO. RS2002-926 (WHITMORE) - This resolution approves property located at the northwest intersection of 43rd Avenue North and Alley #1203 to be used as a waste transfer station for the benefit of Tennessee Waste. Tennessee Waste has filed a request for a special exception with the Metro board of zoning appeals to construct a waste transfer station on this location. The zoning text of the Metro code of laws requires that before the board of zoning appeals can act on such as request, the council must approve the location by adoption of a resolution. Tennessee Waste is requesting variances in the specific conditions outlined in the zoning ordinance applicable to waste transfer stations. The code requires that there be a minimum ten acre lot, that buildings must be located at least 150 feet from any residential zoning boundary, that the entire facility be fenced in, and that all loading and unloading take place in an enclosed building.

If the council does not adopt or defeat this resolution within sixty (60) days, it shall be deemed approved by the council.

There is a substitute resolution to correct the description of the location of the property.

RESOLUTION NOS. RS2002-927 & RS2002-928 (SHULMAN) - These two resolutions authorize the Metropolitan department of law to compromise and settle the lawsuit of Venson Jones against the Metropolitan Government for \$100,000 and the lawsuit of Margaret Maddox against the Metropolitan Government for \$85,000. Prior to June 27, 2000, the department of public works was performing milling operations along County Hospital Road, but had not begun repaving. On June 27, 2000, the van driven by Venson Jones, in which Margaret Maddox was a passenger, ran over a gas valve that had been exposed in the road causing the van to puncture a tire. Mr. Jones lost control of the van and collided with an on-coming truck causing severe and permanent injuries to Mr. Jones and Ms. Maddox, as well as lost wages. The department of law believes that these amounts are a fair and reasonable settlement. These settlements are to be paid from the self-insured liability fund.

Resolution No. RS2002-927 settles the lawsuit of Venson Jones for \$100,000. Mr. Jones suffered a broken hip, which required surgery to repair and physical therapy. This injury resulted in loss of movement and feeling in his left foot. Mr. Jones currently must use a cane to walk long distances. He suffered over \$59,000 in medical bills and \$13,000 in lost wages.

Resolution No. RS2002-928 settles the lawsuit of Margaret Maddox for \$85,000. As a result of the accident Ms. Maddox suffered numerous injuries including amputation of her left thumb, broken right hand, sprained ankle, and other cuts and bruises. Ms. Maddox was hospitalized for twenty days with medical bills totaling approximately \$49,000. Ms. Maddox did not incur any property damage or lost wages.

RESOLUTION NO. RS2002-929 (SHULMAN) - This resolution authorizes the Nashville convention center to accept \$8,888.75 in satisfaction of Christian Jubilee, Inc.'s obligations under a lease agreement and letters of commitment entered into with the convention center. Christian Jubilee, Inc. owes a balance of \$8,888.75 on their lease agreement for use of the convention center in July 2000. The company became insolvent and cancelled its letters of commitment for the use of the facilities in 2001-2005. The convention center initially sought recovery for the entire 2001 rental (\$31,105), but discovered that the company was insolvent. The convention center commission voted to accept the above amount in full and final satisfaction of all amounts owed under the lease and letters of commitment and the settlement has been approved by the department of law.

RESOLUTION NOS. RS2002-930 & RS2002-931 (SHULMAN) - These two resolutions accept settlements of Metro's claims for property damage to police vehicles caused by two separate accidents. The department of law has approved both of these settlements.

Resolution No. RS2002-903 involves an accident caused by an intoxicated Western Express, Inc., truck driver who ran off the Stewarts Ferry entrance ramp to I-40 West and struck Metro police Officer James Lane and his patrol car as he was exiting the patrol car to direct traffic. This resolution accepts \$6,720.37 from Western Express, Inc., which only represents the property damage done to the patrol car. Officer Lane also suffered bodily injuries, and that claim is still pending.

Resolution No. RS2002-931 authorizes the acceptance of \$6,300 from Benjamin Zulfer, who caused an accident with a Metro police car on January 7, 2001, by making an improper turn. The patrol car was a total loss and the difference in the value of the vehicle and the salvage price was \$6,300.

- BILLS ON SECOND READING -

ORDINANCE NO. BL2001-875 (WATERS & PONDER) - This ordinance authorizes the placement of automatic teller machines (ATMs) in the criminal justice center and in the Hermitage and South police precinct stations by the MPD Employees Credit Union. The credit union will be allowed to lease space for two years at each of the locations at a cost of \$500 per month for each. The payment will include the cost of the electricity to be utilized.

There is a proposed amendment to this ordinance that would change the rental fee at two of the locations to \$250 per month. This lease agreement has been approved by the planning commission.

ORDINANCE NO. BL2001-890 (SHULMAN) - This ordinance amends the official street and alley acceptance and maintenance map for the Metropolitan Government, as enacted by Ordinance No. BL2000-526, by closing an unbuilt portion of Oaklawn Avenue between Estes Road and Wilson Boulevard South. Metro will retain an easement for the purpose of constructing and maintaining utilities. This closure is requested by abutting property owners, Jack and Charlene Goostree.

This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2001-925 (MCCLENDON) - This ordinance amends Section 10.20.120(a) of the Metropolitan Code to permit the use of receptacles furnished by the Metropolitan Government in the collection of solid waste. This section of the code currently limits the size of the containers to thirty gallons and weight of no more than fifty pounds. The amendment allows the department of public works to furnish containers with a capacity of greater than thirty gallons. This amendment is necessary for the implementation of the mayor's solid waste disposal plan and the contract between Metro and Toter, Inc. for the purchase of the 300,000 waste receptacles, which is part of Ordinance No. BL2001-921 on third reading.

Staff would point out that this amendment addresses the problem of the thirty gallon size limitation on the receptacles, as the Code currently reads. However, the amendment does not explicitly address the fifty pound weight limitation.

ORDINANCE NO. BL2001-926 (LORING, WHITMORE & SHULMAN) - This ordinance authorizes the acceptance of approximately 38 acres of property located at 3005 Fernbrook Lane, from Donelson Church of Christ for use as a public park or recreational facility. Metro's only cost for the property is \$1,605, which represents a reimbursement for the church's engineering and survey costs. In the event Metro ceases to use the property for a park or recreational facility, Donelson Church of Christ reserves the right to have the property reconveyed to them. The director of parks and recreation and the director of public property have approved the acceptance of this property.

This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2001-927 (SHULMAN) - This ordinance approves a grant in the amount of \$549,174 from the state to the Metropolitan Government, acting through the Nashville public library, to provide library services to the blind and physically handicapped, materials for the disadvantaged, general library services, and library services for the hearing impaired. The term of the grant is from October 1, 2001, to June 3, 2002, and there is no renewal provision. Any amendments to this grant must be approved by resolution of the Metro council receiving 21 affirmative votes. The grant is subject to state fund eligibility and will be paid out pursuant to the grant budget. Metro is responsible for preparing and submitting an annual report to the state including audited financial statements.

ORDINANCE NO. BL2001-928 (SHULMAN) - This ordinance authorizes the acquisition of property by negotiation or condemnation for the purpose of acquiring three utility easements for the Hillsboro Road at Bancroft Place 8" water main and improvements project. The cost is estimated at \$1,500 and will be paid from the water and sewer extension and replacement fund. The new water main will eliminate the need for the Crater Hill pumping station and reservoir and improves the fire protection for the area. The temporary construction easements described in this ordinance are the minimum necessary to complete the project. The director of public property administration is authorized by this ordinance to acquire any additional easements that may be needed for this project in the future. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2001-929 (LORING & MCCLENDON) - This ordinance abandons approximately 55 feet of sewer line and an accompanying 20' easement at the end of the sewer line at Margaret Allen Middle School on Spence Lane. Metro is the owner of the property encumbered by the sewer line and easement and it is no longer needed by the department of water and sewage services. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2001-930 (MCCLENDON) - This ordinance abandons the sewer line easement at Mt. Bethel Baptist Church on Cheatham Place. Mt. Bethel is the owner of the property encumbered by the sewer line and easement and the sewer line serves no other property. The sewer line and easement are no longer being used by the department of water and sewage services. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-931 (HAUSSER, MCCLENDON & OTHERS) - This ordinance amends Chapter 10.02 of the Metropolitan Code by adding a requirement that the department of public works provide the council with annual reports on progress of implementation of the Metro solid waste plan. These reports would include descriptions and comparisons of the percent of households recycling, tons of waste landfilled, tons dropped off at the recycling centers, tons composted, Metro's composting efforts, revenue from recyclables, description of landfill diversion efforts, private customer heating and cooling costs, Nashville's air quality, Metro's total solid waste costs, number and type of environmental violations, and state and local environmental reports.

ORDINANCE NO. BL2002-932 (STANLEY & SHULMAN) - This ordinance approves participation by the members of the Metro board of education in the Insurance Trust insurance plan. State law now provides that members of boards of education in participating districts are eligible for the state insurance plan. However the board of education does not participate in the state insurance plan, but instead administers its own plan, the Insurance Trust. The board of education voted in December of 2001 to amend the eligibility requirements for participation in the Insurance Trust to allow board members to participate in the plan during their terms of office. State law requires council approval before compensation can be made to board of education members.

ORDINANCE NO. BL2002-933 (SUMMERS & WHITMORE) - This ordinance accepts a pedestrian easement from CSX Transportation, Inc. of a parcel of property abutting Richland Creek for use in the greenway system. The easement will be used to construct, operate, and maintain portions of the greenway system for walking and biking trails. The easement will terminate if and when it is no longer used for greenway system purposes.

This ordinance has not yet been considered by the planning commission.

ORDINANCE NO. BL2002-934 & BL2002-935 (MCCLENDON, SHULMAN & DERRYBERRY) – These two ordinances authorize the acceptance of contracts between the state, acting through the department of transportation, and the Metropolitan Government for lighting on I-40 from I-24 to Donelson Pike and for installation of a traffic signal at the Spence Lane off ramp. The state has allocated funds to improve the lighting on this section of I-40 and for the traffic signal installation. Metro agrees to maintain the lighting and traffic signal, and to provide electric power. Any additional contracts for this lighting project must be ratified by resolution of the council with 21 affirmative votes prior to execution by the mayor.

Ordinance No. BL2002-934 relates to the I-40 lighting, and **Ordinance No. BL2002-935** relates to the traffic signal.

ORDINANCE NO. BL2002-936 (BEEHAN & SHULMAN) - This ordinance accepts a grant not to exceed \$423,645 from the Tennessee Commission on Children and Youth to the Metropolitan Government to be used by the juvenile court of Davidson County for the provision of Juvenile Accountability Incentive Block Grant (JAIBG) Program Services. Metro is to provide a cash match of \$47,072. The term of this grant is from October 1, 2001 to September 30, 2002 and there is no renewal provision.

The purpose of the grant is to assist communities in meeting the needs of youth who may otherwise be entering the juvenile justice system. The grant is subject to state fund eligibility and will be paid out pursuant to the grant budget. Metro is responsible for preparing and submitting an annual report to the state including audited financial statements. Amendments to the grant must be approved by the council receiving 21 affirmative votes.

ORDINANCE NO. BL2002-937 (BEEHAN, WATERS & SHULMAN) - This ordinance approves a grant not to exceed \$39,504 from the Alcohol and Drug Council of Middle Tennessee, Inc. (ADC) to the Metropolitan Government, acting through the juvenile court, for a community/juvenile court liaison project. The term of the grant is from July 1, 2001, to June 30, 2002, with a possible extension of an additional year at the discretion of ADC. The

purpose of the grant is to provide one full-time and two part-time employees to act as liaisons between neighborhood families and their children, the juvenile court, the SISTER program at Meharry, and Metro schools. The employees will work to provide "non-traditional, personalized relationship building." Office space at 83 University Court will be furnished by the juvenile court. The grant is to be disbursed in monthly installments of \$3,292.

ORDINANCE NO. BL2002-938 (WHITMORE & SHULMAN) - This ordinance amends the Official Street and Alley Acceptance Map for the Metropolitan Government, as enacted by Ordinance No. BL2000-526, by abandoning unbuilt Alley # 629 located between 20th Avenue North and 19th Avenue North, from Jo Johnston Avenue to its terminus. Easements held by Metro are to be abandoned. This ordinance is requested by Phillip Holmes on behalf of Volunteer Surveying, Inc., for the public property administration. The Metropolitan Government is the adjoining land owner.

This ordinance has been approved by the planning commission and has been referred to the traffic & parking commission.

ORDINANCE NO. BL2002-939 (HART & SHULMAN) - This ordinance amends the Official Street and Alley Acceptance Map for the Metropolitan Government, as enacted by Ordinance No. BL2000-526, by changing the name of Maplewood Lane, between Patapsco Street and Gallatin Pike, to "Maplewood Place." This name change is deemed necessary by the interim director of public works to prevent confusion of emergency service personnel trying to locate property on Maplewood Lane.

This ordinance has been disapproved by the planning commission, but has been approved by the emergency communications district board.

ORDINANCE NO. BL2002-940 (WHITMORE) - This ordinance amends the Official Street and Alley Acceptance Map for the Metropolitan Government, as enacted by Ordinance No. BL2000-526, by changing the name of Maplewood Lane between Dickerson Road and Walton Lane to "Maplewood Trace," and by changing the name of Maplewood Lane between Walton Lane and Broadmore Drive to "Walton Lane." This name change is deemed necessary by the interim director of public works to prevent confusion of emergency personnel trying to locate property on Maplewood Lane.

This ordinance was disapproved by the planning commission and has been referred to the emergency communications district board.

ORDINANCE NO. BL2002-941 (WHITMORE & HAUSSER) - This ordinance amends the Official Street and Alley Acceptance Map for the Metropolitan Government, as enacted by Ordinance No. BL2000-526, by changing the name of Lyle Avenue, between Jo Johnston Avenue and Charlotte Pike, to "Jo Johnston Avenue," and by changing the name of Jo Johnston Avenue, between 20th Avenue North and 21st Avenue North, to "21st Avenue North" for the Head Middle School expansion. This ordinance is requested by the interim director of public works.

Staff would point out that there is an error in both the caption and the body of the ordinance itself, which identifies the portion of Lyle Avenue to be renamed as being between "Johnston Avenue" and Charlotte Pike, as opposed to Jo Johnston Avenue. Staff suggests that this ordinance be amended to correct the error.

The planning commission and the emergency communications district board have approved this ordinance.

ORDINANCE NO. BL2002-942 (WHITMORE, MAJORS & HAUSSER) - This ordinance amends the Official Street and Alley Acceptance Map for the Metropolitan Government, as enacted by Ordinance No. BL2000-526, by abandoning Jo Johnston Avenue, between 19th Avenue North and 20th Avenue North, to accommodate the expansion of Head Middle School. Traffic will be rerouted up 19th Avenue to Warner Avenue, then down 20th Avenue North connecting to the renamed 21st Avenue North (formerly Jo Johnston Avenue). The traffic study indicated that these streets are capable of handling the increased traffic capacity caused by the diversion, though some residents may experience increased difficulty exiting their driveways. This ordinance is requested by Volunteer Surveying, Inc., on behalf the Metro board of education. The Metropolitan Government is the adjoining land owner.

The planning commission has approved this ordinance and it has been referred to the traffic and parking commission.

- BILLS ON THIRD READING -

ORDINANCE NO. BL2001-857 (SUMMERS & WATERS) – This text change to the zoning text will change requirements and conditions for schools to allow schools to be within or near neighborhoods. The principal changes would remove minimum campus size requirements for all schools, which currently provide fifteen (15) acres for high schools, plus one acre per 100 students, and five (5) acres for elementary schools, plus one acre per 100 students. Other changes of significance essentially relate to streets on which high schools may be located, which are presently required to be located on an arterial street or at an intersection of two collector streets. Under the change only high schools of 800 students or more will be required to be on an arterial street or at the intersection of two collector streets. High schools of less than 800 students can be located on a collector street, which is the same requirement for middle schools. The outdoor lighting, landscaping, buffering and screening requirements are also modified to protect neighborhoods.

There is also a requirement that a site plan be filed prior to construction of any new school structures.

This is a re-draft of a previous attempt to modify these text changes, as they originally proposed to require different standards for public and private schools. These standards will be applied to all schools. Ownership of land use could deny equal protection if that were a consideration of standards.

The planning commission has approved this text change.

ORDINANCE NO. BL2001-884 (SHULMAN) – This ordinance approves a lease agreement between the Metropolitan Government and the Salvation Army for benefit of locating a childcare center for Metro department of social services. Social services will lease space at 611 Stockell Street. The premises can be used only for child day care services. The term of the agreement is for one year beginning July 1, 2001, and may be utilized between the hours of 6:00 a.m. and 7:00 p.m. Included in the lease premises is an area for the child care center's playground and designated parking spaces, with the sharing of other areas, such as a conference room, gymnasium, athletic field, and non-designated parking spaces. The rental fee will be based upon a pro-rata portion of the cost of utilities, including telephone service, custodial costs, and actual maintenance costs for the actual portion of the facility being used by social services. This ordinance has not yet been considered by the planning commission, however, it will be considered at their meeting on January 10, 2002.

ORDINANCE NO. BL2001-891 (WALLACE) - This ordinance amends the Official Street and Alley Acceptance and Maintenance Map for the Metropolitan Government, as enacted by Ordinance

No. BL2000-526, by abandoning a portion of Alley Nos. #2076 and #2080, between Nance Lane and Parris Avenue. This ordinance is requested by CCS Housing Systems, Inc.

This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2001-892 (WALLACE) - This ordinance amends the Official Street and Alley Acceptance and Maintenance Map for the Metropolitan Government, as enacted by Ordinance No. BL2000-526, by closing Alley No. #86 and a portion of Alley No. #87. The alleys run perpendicular to each other off 7th Avenue South. This closure is requested by Richard Ropelewski for abutting property owners. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2001-893 (LINEWEAVER) - This ordinance amends the Official Street and Alley Acceptance and Maintenance Map for the Metropolitan Government, as enacted by Ordinance No. BL2000-526, by abandoning an unbuilt portion of Morton Mill Road from River Bend Lane to its terminus. This ordinance is requested by Walter Davidson on behalf of abutting property owners Robert A. Bolden and Harpeth Crest, LLC. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2001-916 (MCCLENDON) - This ordinance approves the adoption of the additions, deletions, and/or other amendments to the Official Street and Alley Acceptance and Maintenance Map for the Metropolitan Government. These amendments are submitted annually by the department of public works. The map shows the dedicated streets and alleys that were either accepted or abandoned for public maintenance by Metro. The map was last amended on December 19, 2000 by Bill No. BL2000-526.

ORDINANCE NO. BL2001-917 (SONTANY, SHULMAN & MCCLENDON) - This ordinance authorizes the Metropolitan Government to accept \$55,000 from Vastland Realty Group, LLC for the purpose of construction of intersection improvements, including a left turn lane, at the intersection of Bell Road and Nashboro Boulevard. Pursuant to the approval of the Nashboro Village planned unit development, Vastland Realty, LLC is to construct a left turn lane at the above intersection. However, planned improvements to the intersection in the near future would require removal and reconstruction of the left turn lane by the department of public works, thus resulting in the improvement being done twice. Vastland is willing to donate \$55,000 to Metro in lieu of being required to construct the left turn lane.

ORDINANCE NO. BL2001-918 (WHITMORE, STANLEY & PONDER) - This ordinance authorizes the director of the Metro parks and recreation department to accept the dedication of a permanent easement from Trinet Trust of Lot 1 - Jackson Downs, abutting the Stones River, as part of the Stones River greenway system. This is a perpetual easement to provide pathways for pedestrian or bicycle travel, nature trails, or other natural areas.

This ordinance further authorizes the director of the Metro parks and recreation department to accept the dedication of a 20-foot temporary construction easement from Trinet Trust. This easement allows Metro to construct a six-foot wide access trail from the Polo Park Apartments to the greenway for the

sole use of the apartment tenants. The temporary easement will be terminated upon completion of construction.

This ordinance has not yet been considered by the Metropolitan planning commission.

ORDINANCE NO. BL2001-919 (WATERS & SHULMAN) - This ordinance approves a grant from the U.S. Department of Health and Human Services to Metro Government, acting through the state trial courts for the treatment of the mentally ill and drug abusers processed through the drug court. The term of the grant is from September 30, 2001, through September 29, 2004. The grant amount is not to exceed \$499,995 for year 2001-2002 and \$494,818 for years 2002-2003 and 2003-2004. Amendments to the grant shall be approved by resolution of the Metro Council.

ORDINANCE NO. BL2001-920 (SHULMAN & MCCLENDON) - This ordinance approves a contract for reimbursement of the Metropolitan Government in the amount of \$39,489 for enhanced-911 services performed by the Metro for the Emergency Communications District (ECD) for Nashville for the 2001-2002 fiscal year. ECD has purchased and made available the equipment for the enhanced-911 emergency communications system. Metro agrees to operate the system and to provide day-to-day staff and support services to ECD. Metro also agrees, through the department of public works, to update BellSouth's "Master Street Address Guide." Further, Metro agrees to provide training to employees operating the equipment, with ECD reimbursing Metro for training materials used. The \$39,489 total is comprised of \$4,462 for services provided by the department of public works and \$35,027 for services provided by the department of information systems.

ORDINANCE NO. BL2001-921 (WALLACE, MCCLENDON, KNOCH, & SHULMAN) - This ordinance, as amended, approves certain agreements relating to the construction and operation of a new district heating and cooling plant and energy distribution system; the collection, processing and disposal of solid waste; and the termination of an existing agreement between the Metropolitan Government and the Thermal Transfer Corporation upon completion of the new district heating and cooling plant.

Pursuant to the terms of the district energy system agreement, Constellation Energy Source, Inc. proposes to design, construct, operate, and maintain a new energy generation facility ("the EGF"), and to improve, operate and maintain the existing energy distribution system. The current energy generating distribution system is operated by the Thermal Transfer Corporation pursuant to the 1984 Thermal Agreement. The current system converts solid waste through an incineration process into steam and chilled water for purposes of heating and cooling certain downtown buildings. The new system would convert fossil fuels and electricity into steam and chilled water to heat and cool the buildings. The Thermal Agreement will terminate upon completion of the new facility. The new EGF will be located on a site currently owned by the Metropolitan Government located at 1st Avenue South and Franklin Street, or on a site to be acquired by Constellation located off Hermitage Avenue on Crockett Street. Metro proposes to become a customer of the new EGF and to enter into service agreements with other private and public customers through contracts similar to the current thermal service contracts. The new facility is being funded through revenue bonds in the amount of \$66,700,000, which were authorized by Resolution Nos. RS2001-875 and RS2001-876.

The basic contract for design, construction, operation, and maintenance of the EGF with Constellation is for an initial term of 15 years. The contract, at Metro's option, can be extended for three additional terms of five years each.

(continued on next page)

ORDINANCE NO. BL2001-921 (continued)

Constellation is required to begin construction within one year of final approval of the contract. The cost of construction is \$51,613,321, with possible additional costs in improving the existing distribution system. Constellation will be paid a management fee beginning in 2004 (the first operating year) of approximately \$3,551,770, which can be increased annually based upon the CPI (inflation rate) but not in excess of 3 percent.

Pursuant to the terms of the fuel purchase agreement, Constellation will furnish fuel to operate the EGF. The electricity used will be obtained by Constellation from NES and the natural gas used will be obtained at or below the price charged by Nashville Gas.

Under the disposal agreement, BFI Waste Services, LLC proposes to modify and operate an existing waste transfer station facility and to provide waste transportation and disposal services for a minimum nineteen month interim period and a twenty year long term service period. Allied Waste Industries, Inc. proposes to guarantee the obligations of BFI. The solid waste will be transported from the transfer station facility to a location outside of Davidson County. The charge for these services will be between \$26.00 and \$27.00 per ton for contract waste. BFI will also make available a home owner drop off and recycling center to be operated by Metro.

Metro further proposes to contract with Toter, Inc. for the purchase of approximately 300,000 waste carts for residential use in connection with the local collection of solid waste in the urban services district, 10 automatic cart lifters, and a 10 year service agreement, for a cost of \$7,044,450.

Rates for non-public customers are intended to be approximately 11 percent less than current rates. The state has agreed to a contract with a structure of more fixed charges. The Metro contracts provide that Metro has the obligation to meet shortfalls in the new systems revenues necessary to operate and maintain the system.

ORDINANCE NO. BL2001-922 (SUMMERS & PONDER) - This ordinance adopts the most recent redistricting plan for the council districts and school board districts as required by the Charter of the Metropolitan Government. Section 18.06 requires that within six months after the decennial census is published by the U.S. Census Bureau showing the population in the area of the Metropolitan Government, it is the duty of the planning commission to recommend to the council whether there has been substantial under-representation of particular areas as the result of population changes. The decennial census of 2000 was published on March 22, 2001, and showed substantial under-representation of the current council districts and school board districts. The planning commission proposed a plan using this information that is the subject matter of Ordinance No. BL2001-835. However, more information relevant to the next councilmanic election to be held in 2003 was published by August 15, 2001, and thus this new plan was proposed by the planning commission. BL2001-835 was deferred indefinitely by the council on December 4, 2001.

(continued on next page)

ORDINANCE NO. BL2001-922 (continued)

Both redistricting plans proposed by the planning commission accomplish the necessary redistricting to assure population representation so as to provide for the required "one man, one vote."

The council may adopt or reject this plan, but the plan may not be amended. In the event the council rejects the plan it may adopt its own plan and submit the council plan, together with the plan forwarded by the planning commission, to a referendum vote. In order to call for a referendum and adopt a new plan, twenty-seven (27) votes will be required.